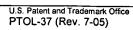
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Notice of Allowability	Application No.	Applicant(s)
	10/051,322	FIELD ET AL.
	Examiner	Art Unit
	Glenn K. Dawson	3731
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>AF amendment of 05-03-2006</u> .		
2. A The allowed claim(s) is/are 35-37,44-46,50,54-63,65-68,75-79,82-93,95 and 96; renumbered 1-40.		
3.		
Attachment(s) 1. ☒ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview Summary Paper No./Mail Dat 8), 7. ☑ Examiner's Amendn	e



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 35 (currently amended) line 11, --the—has been inserted after "of".

In new claim 96 line 13, "; and" has been deleted.

The above changes were made to correct typographical errors.

The drawing changes of 08-13-2004 and 06-29-2005 have been both approved. Because the examiner failed to approve the drawing of 08-13-2004 first, the applicant labeled the new figures of 06-29-2005 as figures 42 and 43. However, if both of these drawing corrections are entered, there would be two figure "42"'s. Therefore, the examiner will enter the drawing of 08-13-2004 as new figure 44 and the two figures of 06-29-2005 will be entered as new figures 42 and 43. The accompanying amendments to the specification have also been entered. New formal drawings with all of these figures and appropriate references in the specification are required in response to this office action.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art, including applications related to this application, disclose devices for passing a suture through tissue or for moving a flexible element distally using some sort of advancement

mechanism. However, some of the prior art fails to disclose the cutter for cutting the flexible elongate element; and all of the prior art fails to disclose or suggest the concept of placing the advancement mechanism adjacent the distal end of the shaft through which the flexible element slides. The applicant has outlined criticality for this feature as it serves to prevent bending or buckling of the element when it encounters tissue because the suture is being pulled rather than pushed. For this reason, the prior art fails to read on the claims. For this reason, the claims of the related applications are not citable against the present claims in a double patenting rejection either.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenn K Dawson Primary Examiner Art Unit 3731

Gkd 12 May 2006